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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,087	11/08/2001	Brian Francis Gray	AA432F	5838

27752 7590 04/23/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

[REDACTED] EXAMINER

HOWARD, SHARON LEE

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1615

DATE MAILED: 04/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,087	GRAY ET AL.	
	Examiner Sharon L. Howard	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 February 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 2,4,5 and 8 have been amended and the 112 (second) paragraph rejection for claims 2,4,5 and 8 have been overcome and is now considered withdrawn.

Claims 1-10 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3,5-10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over document WO 99 12530 A.

The document discloses absorbent articles which comprises a topsheet, a backsheet and an absorbent core therebetween, an acquisition zone and a skin care zone is provided with a skin care composition which provides a protective barrier and a skin care benefit. The document discloses that the article comprises regions with greater or less amounts of composition (lower average basis weight zones). The document may also comprise three regions, side panels (flaps), wherein each region may have the skin care composition in adequate amounts (see abstract, page 7, paragraphs 2 and 3, page 19, paragraph 2, page 22, paragraph 2, page 23, lines 3-5, page 26, lines 9-14, page 29, line 4, paragraph 31, paragraph 2, page 32, paragraphs 1 and 3, page 33, paragraph 3, page 34, paragraph 3, see claims 1,5,18-23,25-28).

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The document does not teach the particular size (i.e. the width and the length) of the acquisition zone.

However, the document discloses that the size may be varied to accommodate the wearer (page 23, lines 1-10).

The expected result would be an absorbent article comprising a topsheet, a backsheet, an absorbent core therebetween, an acquisition zone and a skin care zone which is provided with a skin care composition.

It would have been within the skill of the ordinary practitioner at the time the invention was made to use the teachings of the WO' document, with the expectation of achieving an absorbent article comprising a skin care composition which is known in the art for providing a therapeutic and protective skin benefit to the skin. One would expect to achieve similar results. The claims would have been obvious in view of the teachings of WO 99 12530 A.

Response to Arguments

Applicant's arguments filed 2/10/03 have been fully considered but they are not persuasive. Applicant argues that the WO 99/12530 does not make applicant's invention obvious because the reference does not teach or suggest each and every element within independent claim 1. WO 99/12530 does not disclose applying differing basis weights of the skin care composition to various zones of the absorbent article.

In response to applicant's argument that the WO '530 reference does not disclose applying differing basis weight of the skin care composition to various zones of the absorbent article, the argument that the reference does not disclose applying

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differing basis weight of the skin care composition to various zones of the absorbent article is moot. The prior art teaches that the acquisition zones may comprise lower average basis weight zones (page 23, lines 1-5) and the teaching of applying differing basis weight of the skin care composition to various zones is encompassed therein. The motivation to use the teachings of the WO 99/12530 document is to provide an absorbent article comprising a skin care composition that provides a therapeutic and protective skin benefit to the skin. Therefore, the reference makes applicant's invention obvious and the rejection is maintained for reasons set forth above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon L. Howard whose telephone number is (703) 308-4359. The examiner can normally be reached on 9:00am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (703) 308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-3121 for regular communications and (703) 305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

Sharon Howard

Sharon Howard

April 15, 2003

Thurman K. Page
THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600